

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) LeVaughn Walker *306213
(Name of Plaintiff) (Inmate Number)
D.C.C.
1181 Padlock Rd. Smyrna, DE 19977
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) (Warden) P. Phelps
(2) (Treatment Admin) Ronald Hosterman
(3) (Counselor) Linda Kemp
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

On 12/12/07 Filed with this Court, action pursuant
to 42 U.S.C § 1983, Case assigned to Judge G.M. Sleet.
Filed on 2/11/08 Motion to dismiss without prejudice in
order to exhaust other available remedies. First petition
addressed same issue.

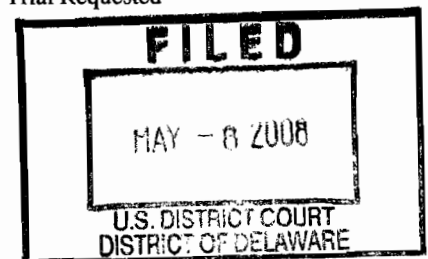
08 - 275

(Case Number)

(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested



II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? •☒• Yes ••No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? •☒• Yes ••No
- C. If your answer to "B" is Yes:

1. What steps did you take? Notified administration and counselors by in house mail. Family members also contacted administration
2. What was the result? Interstate request granted, no further action to comply.

- D. If your answer to "B" is No, explain why not: Note: D.C.C grievance procedure excludes grieving classification or officers

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: P. Phelps
- Employed as Warden at D.C.C
- Mailing address with zip code: 1181 Paddock Rd., Smyrna, DE 19977

- (2) Name of second defendant: Ronald Hosterman
- Employed as Treatment Administrator at D.C.C
- Mailing address with zip code: 1181 Paddock Rd., Smyrna, DE 19977

- (3) Name of third defendant: Linda Kemp
- Employed as Counselor at D.C.C
- Mailing address with zip code: 1181 Paddock Rd., Smyrna, DE 19977

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

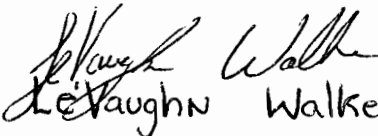
1. Delaware Correctional Center's administrative staff violated Plaintiff's 8th amendment "right-to-protection" when it housed Plaintiff around corrections officers who are family members of the victim in Plaintiff's case, and who have threatened Plaintiff.
2. Despite being shown documentation of the threats and the serious substantial risk factor of having Plaintiff remain in the care of Delaware D.C., the Defendants have shown to be deliberately indifferent to Plaintiff's plight.
3. Defendants Failed to address the discriminatory acts of a corrections officer related to the victim in Plaintiff's case, who has effectively precluded Plaintiff's family members, all of which who live out of state, from visiting the Plaintiff on numerous occasions.
4. After agreed upon, by I.B.C.C. board members, that the best solution to the above issues was to approve the interstate request filed by the Plaintiff in 2005, the administration has failed to honor that agreement, there allowing harassment by officers to continue.

V. BELIEF

1. The Defendants to honor interstate agreement, and create policy to address issues of inmates being housed around officers who are relatives of victim in inmates crime.
2. That Defendants reprimand officers who have threatened Plaintiff.
3. That Defendants comply with payment for transportation as stated in interstate compact contract.

I declare under penalty of perjury that the foregoing is true correct.

Signed this 29 day of April, 2008.


LeVaughn Walker

LeVaughn G. Walker #30623
D.C.C.
1181 Paddock Rd.
Smymna, DE 19777

To: Clerk
U.S. District Court
Lockbox 18
844 N. King St.
Wilmington, DE 19801

